

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHANNON SPENCER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

WALMART INC, a foreign, for-profit
corporation,

Defendant.

NO. 2:23-cv-01793-BJR

JOINT STATUS REPORT AND
DISCOVERY PLAN

Pursuant to Local Civil Rule 26(f) and Federal Rule of Civil Procedure 26(f), Plaintiff Shannon Spencer, on behalf of himself and all others similarly situated (the “Class”), and Defendant WALMART INC (collectively and hereinafter the “Defendant”), by and through their counsel, submit the following Joint Status Report and Discovery Plan.

1. Statement of the nature and complexity of the case: The Parties believe that this case is a non-complex class action.

Plaintiff’s Statement: Plaintiff alleges that Defendants failed to disclose in each posting for each job opening, the wage scale or salary range and a general description of all of the benefits and other compensation to be offered to the hired applicant. RCW 49.58.110(1).

Defendant’s Statement: Defendant removed this action from King County Superior Court to this Court on November 20, 2023. Defendant deny the Plaintiff’s claims in their

entirety, assert affirmative defenses, and deny that Plaintiff is due any damages or relief.

2. **Proposed deadline for joining additional parties:** The Parties do not anticipate joining additional parties.

3. **Assignment of the Case to a Magistrate Judge:** The Parties do not consent to a Magistrate Judge being assigned to this case.

4. **Initial disclosures pursuant to FRCP 26(a)(1):** The Parties initial disclosures were to be exchanged on December 13, 2023, as per the November 22, 2023, Order Regarding Initial Case Deadlines. However, both parties required more time, and requested an extension from the court to February 2, 2024. The parties wish to alert the court that there are similar cases that have been reassigned to Judge Rothstein. Some of these cases have pending motions to dismiss. The cause numbers are: 2:23-cv-01784, 2:23-cv-01787, 2:23-cv-01756, 2:23-cv-01757, 2:23-cv-01742, 2:23-cv-01740, 2:23-cv-01806, 2:23-cv-01790, 2:23-cv-01680, 2:23-cv-1666, 2:23-cv-01737, 2:23-cv-01696, 2:23-cv-01723, and 2:23-cv-01084.

5. **Discovery Plan:**

a. **Subject, Timing, and Potential Phasing of Discovery:**

The Parties do not currently anticipate asking the Court for any special orders or relief with respect to discovery, but reserve the right to do so as necessary.

b. **Electronically Stored Information (“ESI”):** The Parties believe that this

case will involve limited amounts of Electronically Stored Information

(“ESI”) and if necessary, the Parties will adopt the Model Agreement

Regarding Discovery of ESI. The Parties are currently unaware of any issues regarding disclosure of electronically stored information.

c. **Privilege Issues:** The primary documents in this case will be the Plaintiff’s employment files in the possession of the Defendant, and the Defendant’s other internal documentation and communication relating to the Plaintiff during his

employment with the Defendant. The Parties do not expect any unique or extensive claims of privilege.

d. **Proposed Limitations on Discovery:** The limitations on discovery imposed under the Federal and Local Civil Rules should apply. If the Parties determine at a later date that discovery limitations should be adjusted, the Parties may stipulate to adjusted limitations.

e. **Discovery Related Orders:** The Parties do not currently anticipate needing any discovery-related orders.

6. Local Civil Rule 26(f)(1):

a. **Alternative Dispute Resolution:** The Parties will attempt to negotiate informally and if that is not successful, believe that this matter may be resolved through means of Alternative Dispute Resolution (ADR), specifically mediation.

b. **Related Cases:** The Parties are aware of a substantial number of purported class actions filed under RCW 49.58.110. Many, if not all of them pending in the Western District of Washington have been transferred to Judge Rothstein.

c. **Phasing of Motions:** The Parties agree that motions should be conducted pursuant to Federal Rules of Civil Procedure, and see no need currently for any protocols regarding the phasing of motions.

d. **Preservation of Discoverable Information:** The Parties are not aware of any issues related to the preservation of discoverable information of the scope of the preservation obligation.

e. **Model Protocol for Discovery of ESI:** The Parties believe that this case will involve limited amounts of Electronically Stored Information (“ESI”) and if necessary, the Parties will adopt the Model Protocol Regarding Discovery of

ESI. The Parties are currently unaware of any issues regarding disclosure of electronically stored information.

f. **Alternatives to Model Protocol:** N/A

7. Date Discovery Can Be Completed: The Parties anticipate that discovery will be completed 120 days before trial.

8. Class Certification Motion: The Plaintiff will file a motion for class certification. The parties propose the following briefing schedule for class certification to be noted for hearing on July 26, 2024:

a. Plaintiff's Motion Due: **June 7, 2024**

b. Defendant's Response Due: **July 12, 2024**

c. Plaintiff's Reply Due: **July 26, 2024**

9. Need for bifurcation: The Parties do not believe bifurcating liability or damage is necessary for this matter.

10. Trial Date: The Parties believe the case will be ready for trial in March 2025.

11. Trial Type: Plaintiff filed a Jury Demand on November 21, 2023.

12. Length of Trial: The Parties believe trial of this case will take up to 5 days.

13. The names, addresses, and telephone numbers of all trial counsel:

Attorneys for Plaintiff:

EMERY REDDY, PLLC
Timothy W. Emery, WSBA #34078
Patrick B. Reddy, WSBA #34092
Paul Cipriani, WSBA #59991
600 Stewart Street, Suite 1100
Seattle, WA 98101
Telephone: (206) 442-9106
Facsimile: (206) 441-9711
Email: emeryt@emeryreddy.com
Email: reddyp@emeryreddy.com
Email: paul@emeryreddy.com

Attorneys for Defendant:

OGLETREE DEAKINS (SEA)
Adam T. Pankratz, WSBA #50951
1201 Third Avenue, Suite 5150
Seattle, WA 98101
Telephone: (206) 693-7057
Facsimile: (206) 693-7058
Email: adam.pankratz@ogletree.com

OGLETREE DEAKINS
Mathew A. Parker, OSBA #0093231
The KeyBank Building
88 East Broad Street, Suite 2025
Columbus, OH 43215
Telephone: (614) 494-0420
Facsimile: (614) 633-1455
Email: mathew.parker@ogletree.com

14. Trial Counsel Scheduling Conflicts: N/A

15. Corporate Disclosure Statement: Defendant filed its Corporate Disclosure Statement on November 29, 2023.

Dated this 9th day of February 2024.

EMERY REDDY, PLLC

OGLETREE DEAKINS

By: /s/ Patrick B. Reddy
By: /s/ Timonthy W. Emery
By: /s/ Paul Cipriani
Patrick B. Reddy, WSBA #34092
Timothy W. Emery, WSBA #34078
Paul Cipriani, WSBA #59991
EMERY REDDY, PLLC
600 Stewart Street, Suite 1100
Seattle, WA 98101
Phone: (206) 442-9106
Email: reddyp@emeryreddy.com
Email: emeryt@emeryreddy.com
Email: paul@emeryreddy.com
Attorneys for Plaintiff

By: /s/ Adam T. Pankratz
By: /s/ Mathew A. Parker
Adam T. Pankratz, WSBA #50951
Mathew A. Parker, OSBA #0093231
OGLETREE DEAKINS
1201 Third Avenue, Suite 5150
Seattle, WA 98101
Phone: (206) 693-7057
Email: adam.pankratz@ogletree.com
Email: mathew.parker@ogletree.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2024, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

OGLETREE DEAKINS (SEA)
Adam T. Pankratz, WSBA #50951
1201 Third Avenue, Suite 5150
Seattle, WA 98101
Telephone: (206) 693-7057
Facsimile: (206) 693-7058
Email: adam.pankratz@ogletree.com

OGLETREE DEAKINS
Mathew A. Parker, OSBA #0093231
The KeyBank Building
88 East Broad Street, Suite 2025
Columbus, OH 43215
Telephone: (614) 494-0420
Facsimile: (614) 633-1455
Email: mathew.parker@ogletree.com

Dated this 9th day of February 2024, at Seattle, Washington.

/s/ Jennifer Chong
Jennifer Chong, Legal Assistant
jennifer@emeryreddy.com